

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF GEORGIA
MACON DIVISION**

ASHLEY DIAMOND,

Plaintiff,

V.

TIMOTHY WARD, *et al.*,

Defendants.

CIVIL ACTION NO. 5:20-cv-453 (MTT)

ORDER

As discussed and agreed at the October 29, 2021 hearing, Ashley Diamond’s claim against Defendant Arneika Smith (“A. Smith”) is severed. Fed. R. Civ. P. 21 (“On motion or on its own, the court may at any time, on just terms, add or drop a party. The court may also sever any claim against a party.”); *see also Estate of Amergi ex rel. Amergi v. Palestinian Authority*, 611 F.3d 1350, 1367 (11th Cir. 2010) (decision of a district court to sever a case is reviewed for abuse of discretion). Accordingly, it is proper for a court to sever claims where there are “sound administrative reasons to try to simplify a case that [has become] increasingly unmanageable.” *Amergi*, 611 F.3d at 1367. In this case, Diamond asserts claims for declaratory relief and damages against A. Smith, a correctional officer at Georgia Diagnostic and Classification Prison who Diamond alleges sexually assaulted her. Doc. 36 at 23-26. Because Diamond’s remaining claims request damages and injunctive relief concerning the GDC’s classification and assignment decisions and Diamond’s continuing incarceration at

Coastal—an entirely separate prison within GDC—Diamond’s claim against A. Smith is properly severed. See *generally* Doc. 36.

The time for discovery in this severed case shall expire February 25, 2022. All dispositive and *Daubert* motions must be filed no later than March 28, 2022.

Additionally, Plaintiff must disclose the identity of any expert witness on or before December 3, 2021. Defendant must disclose the identity of any expert witness on or before December 17, 2021.

SO ORDERED, this 1st day of November, 2021.

S/ Marc T. Treadwell
MARC T. TREADWELL, CHIEF JUDGE
UNITED STATES DISTRICT COURT